

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Criminal No. 06-353(001) (PAM)

Plaintiff,

v.

ORDER

Dale Eugene Schlichting,

Defendant,

and

Charles Reid,

Petitioner.

This matter is before the Court on Petitioner Charles Reid's request for a hearing pursuant to 21 U.S.C. § 853(n). The Court denies the request as premature.

Following entry of a forfeiture order, the Government must publish notice of the order and the Government's intent to dispose of the property as prescribed by the Attorney General. 21 U.S.C. § 853(n)(1). The Government may also, but is not required to, provide direct written notice to any person known to have an alleged interest in the property. Id. Third parties claiming interests in the property then have thirty days to file a petition with the Court for a hearing to adjudicate the claimed interest. Id. § 853(n)(2). A hearing "shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition." Id. § 853(n)(4). The Court may consolidate the hearing with a hearing on any other petition. Id.

On July 23, 2007, the Government informed the Court that it is obtaining updated title searches on the subject properties and is in the process of publishing notice of the forfeitures. The Government stated that it has sent notices to potential third parties, but only recently became aware of Petitioner's claimed interest. The Government further stated that it has conferred with Petitioner's counsel, and that "it appears likely that Mr. Reid's claim will be resolved without the need for a hearing." Finally, the Government stated that it would keep the Court advised as to forfeiture proceedings in this matter.

Because the Government has not yet published the forfeiture order and is actively attempting to resolve third party interests, the Court concludes that it is not in the interests of justice to hold a hearing on Petitioner's purported interest at this time. Accordingly, **IT IS HEREBY ORDERED** that:

1. The Court **DENIES without prejudice** Petitioner's request for a hearing pursuant to 21 U.S.C. § 853(n); and
2. The Court directs the Government to keep the Court, parties, and Petitioner advised as to the status of forfeiture proceedings in this matter.

Dated: July 25, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge